

WASHINGTON - Today, U.S. Representative Mike Quigley (IL-05) urged his colleagues to include legislation he authored to fight pay-to-play contracting practices within the Surface Transportation Reauthorization bill (H.R. 4348), currently under consideration in a bipartisan conference committee of House and Senate leaders. Text of the letter Rep. Quigley, Sen. Mark Kirk (IL) and Rep. Jesse Jackson, Jr. (IL-02) sent to members of the Conference Committee is included below.

“Pay-to-play practices in highway contracting erode the integrity of our public works projects and allow individuals to profit at the expense of American taxpayers,” **said Rep. Quigley**. “My legislation allows states to use every tool at their disposal to fight corruption and limits interference by the federal government.”

Rep. Quigley’s bill, the State Ethics Law Protection Act (SELPA, H.R.1924), prohibits the Federal Highway Administration (FHWA) from withholding federal funds from states that have enacted anti-pay-to-play laws. Pay-to-play is the practice of trading campaign contributions for lucrative government contracts. The FHWA considers implementation of anti-pay-to-play laws a violation of its competitive bidding requirement on federal-aid highway contracts.

In 2008, the Illinois General Assembly unanimously passed a comprehensive anti pay-to-play bill, House Bill 824. The bill made it illegal for any entity holding or bidding on state contracts worth \$50,000 or more to donate to the campaign fund of a statewide officeholder who has influence over awarding the contracts. In addition to every state lawmaker, the bill passed with strong support from good government advocates, including then-U.S. Senator Barack Obama. Other states including New Jersey and Connecticut have passed similar measures.

Shortly after the passage of Illinois H.B. 824, the Federal Highway Administration (FHWA) threatened to withhold funding for transportation projects due to their interpretation of federal contract bidding requirements. Under threat of losing out on millions of federal highway dollars, Illinois was forced to water down the bill to exclude transportation projects, effectively creating a loophole for pay-to-play.

Rep. Quigley first introduced SELPA in 2009, and it went on to pass the House in 2010. Quigley reintroduced the bill in 2011 with cosponsors Reps. Jerry Costello (IL-12) and Jesse Jackson, Jr. (IL-02). A companion bill (S. 994) was introduced by Senators Mark Kirk (IL), Dick Durbin (IL), Frank R. Lautenberg (NJ) and Robert Menendez (NJ).

Rep. Quigley has been committed to good government reform and increased transparency since his time spent as Cook County Commissioner. Earlier this year [legislation he authored to eliminate federal pension payouts for elected officials convicted of public corruption crimes](#) was passed as part of the Stop Trading on Congressional Knowledge Act (STOCK Act). He is the author of

[Reinventing Government: The Federal Budget](#)

, a report which establishes transparency in the budget process and offers 60 recommendations to save \$2 trillion over the next 10 years.

Text of the letter is included below:

June 8, 2012

Dear Conference Committee Members,

We are writing to request the inclusion of the language of H.R. 1924/S. 994, the State Ethics Law Protection Act of 2011 (SELPA), in the final conference report on H.R. 4348. As the Conference Committee works toward a bipartisan, bicameral resolution, we urge the inclusion of SELPA in the conference report to remove a barrier erected by the Federal Highway Administration (FHWA) which slows federal-aid highway projects in states with anti-“pay-to-play” laws on the books. H.R. 1924 was introduced by Representative Quigley and S. 994 was introduced by Senator Kirk. Representatives Costello and Jackson, Jr. are cosponsors of H.R. 1924 and Senators Durbin, Lautenberg, and Menendez are cosponsors of S. 994.

Currently, the FHWA is forbidden from distributing federal-aid highway dollars to states that have anti-pay-to-play statutes on the books, based on the agency’s interpretation of contract letting requirements. Specifically, the implementation of anti-pay-to-play laws is considered to

run counter to the FHWA's requirement for competitive bidding on federal-aid highway contracts. SELPA would amend the statute that prohibits states with anti-corruption laws from receiving support from the FHWA (Sec. 112 Title 23 U.S.C.).

Many state and local governments, including the Illinois General Assembly, have enacted laws seeking to crack down on pay-to-play politics, insidious corruption that erodes the public trust and degrades the quality of public works projects. The inclusion of SELPA in the conference report would end the FHWA's penalty on states seeking to root out corruption in contracting and we believe send a strong message to states that "pay-to-play" reforms will not disqualify them from receiving federal-aid highway dollars.

We understand the conference committee is dealing with a wide range of issues while reconciling House and Senate transportation bills, but we believe including this bipartisan, common-sense reform in the conference report will allow states to continue the important fight against pay-to-play politics without the fear of penalty from the FHWA.

Please do not hesitate to contact Representative Quigley's or Senator Kirk's offices directly to further discuss this legislation. We appreciate your full consideration of our request.

Sincerely,

Rep. Mike Quigley

Illinois' 5th District

Sen. Mark Kirk

Illinois

Rep. Jesse Jackson, Jr.

Illinois's 2nd District



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